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SUBJECT: NEPAL'S FIRST NATIONAL ANTI-TRAFFICKING DAY  
CELEBRATED; NEW LAW PASSED

#### Summary

1. (U) The Government of Nepal and private groups took advantage of the first national Anti-Trafficking Day on September 6 to publicize the newly passed Human Trafficking Control Act. The day also witnessed commitments by politicians to fight trafficking. The U.S. Mission held its observation a day later with a film and a reception. The Human Trafficking Control Act, enacted July 18, extended the protection of the existing law, made it easier to prosecute traffickers, heightened the penalties for trafficking and increased the assistance provided to victims.

#### First National Anti-Trafficking Day Observed

2. (U) On September 6, Nepal observed its first national Anti-Trafficking Day. The Government of Nepal marked the day with a rally, exhibitions, the publication of leaflets on the newly passed Human Trafficking Control Act and a commitment from political party leaders to support the fight against human trafficking in their parties' manifestos. Other events in Kathmandu included programs organized by the Forum for Women Law and Development and the Kathmandu School of Law to analyze the legislation and call for its meaningful implementation. (Note: In addition, September 6 is the second anniversary of Nepal's ratification of the South Asian Association for Regional Cooperation Anti-Trafficking Convention. End note.) On September 7, the U.S. Mission recognized Anti-Trafficking day by hosting a reception for GON officials and NGO partners. Immediately preceding the reception, all of the guests were invited to the screening of "Dreams Die Hard, Survivors of Slavery in America Tell Their Stories" -- a video highlighting efforts to combat trafficking and slavery in the United States.

#### New Anti-Trafficking Bill Passed

3. (U) The Interim Parliament unanimously passed the Human Trafficking Control Act on July 18. The new act expands the definition of a child to include youths up to 18 years of age, allows the police to take trafficking cases directly to

the court (previously cases had to be filed by a lawyer), shifts the burden of proof to the accused in trafficking cases, provides for translation and legal representation for trafficking victims and strengthens witness protection. The act also provides for more stringent sentences for traffickers, and compensation and services for victims. It states that the Government of Nepal should provide facilities for rescued trafficking victims with provisions for mental health treatment, social rehabilitation and family reintegration. The new legislation calls as well for the media to protect the rights and privacy of trafficking survivors, criminalizes the sale of human organs and broadens the crime of prostitution to cover the client in addition to the prostitute.

Comment

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14. (U) The passage in July of the new anti-trafficking bill, as celebrated September 6, marks the end of a two-year process of government and parliamentary review and is certainly a very positive step forward. The law provides another tool in the fight against human trafficking while giving the prospect of some comfort to trafficking victims. However, during this long review process new issues have arisen that the legislation does not address, namely the growing problem of migrant labor trafficking and the rise of internal trafficking in Nepal. This has led to criticism from organizations working with the Ministry of Labor, including some which the U.S. assists, that their input was not sought and that the Act is not sufficiently comprehensive. It has also been criticized on the grounds that the act does not comply with all the provisions in the international convention on human trafficking. Regardless of

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the comprehensiveness of the legislation, however, little is likely to change for traffickers or their victims until the law is fully implemented. On that score, Nepal's poor security situation, the absence of an efficient and impartial judicial system, the weak government and a demoralized police force pose significant problems in doing so, at least in the near future.

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